

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-16 EUR-25 IO-14 ISO-00 EB-11 TRSE-00 AF-10

EA-11 NEA-11 RSC-01 OMB-01 TAR-02 SPC-03 AGR-20

AID-20 CIAE-00 COME-00 INR-10 LAB-06 NSAE-00 OIC-04

SIL-01 STR-08 CIEP-02 CEA-02 SSO-00 NSCE-00 USIE-00

INRE-00 PA-04 PRS-01 SS-20 NSC-10 /217 R

DRAFTED BY L:SMSCHWEBEL:CDJ

APPROVED BY IO:JMCDONALD

L:CMAW

L/ARA:DGANTZ

EB/OT/GCP:JOMAHONY

ARA/LA:DSZABO

TREASURY:MBRADFIELD

----- 127802

O R 112330Z FEB 74

FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

INFO USMISSION USUN NEW YORK

AMEMBASSY MEXICO

AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 027900

E.O. 11652: GDS

TAGS: UNCTAD, EGEN

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

REFS: (A) GENEVA 830 (B) GENEVA 831 (C) GENEVA 832

1. WE ARE PLEASED AT WORKING GROUP'S PROGRESS AND CON-
STRUCTIVE ATMOSPHERE YOU HAVE PROMOTED.

2. INTERDEPENDENCE. THE REDRAFT OF EC-9 LANGUAGE
REPORTED REF A, PARA 2, IS ACCEPTABLE AND YOU ARE
AUTHORIZED TO SUPPORT IT. IN RESPONSE TO EC-9 INQUIRY,
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YOU SHOULD REPLY THAT USG PREFERS THE EARLIER VERSION

WHICH INCLUDES REFERENCE TO CONTINUOUS SUPPLY OF RAW MATERIALS.

3. PERMANENT SOVEREIGNTY. U.S. POSITION REMAINS THAT SET OUT IN POSITION PAPER, WHICH REFLECTS THE PUBLIC POSITION TAKEN BY USG IN ADVANCING ITS PERTINENT PROPOSED FORMULATIONS IN THE WORKING GROUP'S SECOND SESSION. WE AGREE THAT, IF POSSIBLE, PERMANENT SOVEREIGNTY SHOULD BE DEFERRED UNTIL JUNE SESSION, BUT YOU SHOULD CONTINUE TO EXPRESS VIEW OF POSITION PAPER. FORMULATION OF EC-9 IS GENERALLY ACCEPTABLE TO USG. HOWEVER, WE WOULD BE WILLING, IN ACCORDANCE WITH UNGA RES. 1803 (XVII) WHICH REPRESENTS USG'S MOST

CONCILIATORY APPROACH ON PERMANENT SOVEREIGNTY, TO ACCEPT "APPROPRIATE COMPENSATION" IN PLACE OF EXPRESS REITERATION OF "PROMPT, ADEQUATE AND EFFECTIVE COMPENSATION," PROVIDED THAT THERE IS IN RETURN AGREEMENT ON REPEATING PROVISION OF RES. 1803 THAT STATES SHALL RESPECT TREATIES AND CONTRACTS FREELY ENTERED INTO BY THEM IN THE EXERCISE OF THEIR SOVEREIGNTY.

4. PEACEFUL CO-EXISTENCE. GREAT IMPORTANCE ATTACHED TO THIS TERM BY USSR, AND CORRESPONDING IMPORTANCE IT ATTACHES TO USG ACCEPTANCE OF IT, AS WELL AS FACT THAT IT APPEARS IN MOSCOW COMMUNIQUE, LED USDEL, ON EXPRESS INSTRUCTIONS, TO INFORM SOVIET DEL LAST JULY THAT IT WOULD ACCEPT IT AS THEN PROPOSED IN THE PREAMBLE OF THE CHARTER, AND USDEL PUBLICLY SO STATED. WE SHOULD LEAVE SOVIET DEL IN NO DOUBT THAT USG STANDS BY THAT STATEMENT. AT SAME TIME, USDEL THEN STATED IT HAD NO OBJECTION FRENCH ALTERNATIVE FORMULATION OF LIKE SUBSTANCE WHICH OMITTS PHRASE "PEACEFUL CO-EXISTENCE", WHICH, MOREOVER, ACCORDS WITH POSITION USG HAS TAKEN IN UN FOR MANY YEARS. YOU SHOULD ACCORDINGLY REITERATE THAT USDEL PREPARED TO AGREE EITHER TO USE AS APPROPRIATE OF "PEACEFUL CO-EXISTENCE" OR TO ALTERNATIVE FORMULATIONS SUCH AS THOSE DRAWN

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FROM UN CHARTER ("FRIENDLY RELATIONS AND COOPERATION AMONG STATES," "TO PRACTICE TOLERANCE AND LIVE TOGETHER IN PEACE WITH ONE ANOTHER AS GOOD NEIGHBORS," ETC.).

5. SOVIET PROPOSALS ON MFN. RE REF C, YOU ARE AUTHORIZED TO ACQUIESCE IN THIS FORMULATION, PROVIDED YOU PRESERVE "SHOULD PROMOTE" RATHER THAN AN AMENDMENT

TO "SHALL PROMOTE". WE ARE WILLING TO ACCEPT MFN AS
A GOAL BUT NOT AS A LEGAL OBLIGATION. REQUEST YOU
ENDEAVOR TO DELETE THE PROVISIO FOR "THE COMPLETE
EQUALITY OF THE PARTIES", SINCE THAT IS UNATTAINABLE
IN FACT AND MIGHT, E.G., BE TAKEN AS SUGGESTING
THAT MARKET ECONOMIES MAY NEVER EXACT CONDITIONS FROM
STATE TRADING ECONOMIES TO COMPENSATE FOR TRADE
ADVANTAGES THE LATTER MAY IN SOME CASES HAVE. AS FOR
ALTERNATIVE TEXTS REPORTED PARA 2 OF REF C, WE CAN
ACQUIESCE IN ANY OF THEM.

6. COLLECTIVE ECONOMIC SECURITY. REFORMULATION
REPORTED PARA 5 OF REF A IS ACCEPTABLE. KISSINGER

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NNN

Message Attributes

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